

Remarks

Reconsideration of this Application is respectfully requested.

Status of the Application and Claims

Upon entry of the foregoing amendment, claims 1-6, 10-12, 16-22, and 40-51 are pending in the application, with claims 1, 16, and 40 being the independent claims. Claims 1, 6, and 10, 16, 19, 20, 22, and 40-45 are sought to be amended. Claims 7-9, 13-15, and 23-39 were previously cancelled without prejudice to or disclaimer of the subject matter recited therein. Applicant reserves the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future. New claims 47-51 are sought to be added. Support for the amendments and new claims can be found throughout the originally filed specification, drawings, and claims. These amendments and new claims should be entered after final because they merely clarify implicit features, do not require further search or consideration by the Examiner, and they place the claims in better condition for allowance and/or reduce the issues for appeal. Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Summary of the Office Action

In the Office Action, claims 1-6, 16, 20-22, and 40-43 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Adobe Acrobat 5.0 as described in "Adobe Acrobat 5.0 User's Guide for Chambers" (hereinafter "Acrobat") in view of U.S. Patent Publication No. 2002/0077985 to Kobata *et al.* ("Kobata") in view of U.S. Patent Publication No. 2002/0052981 to Yasuda ("Yasuda") and further in view of U.S. Patent No. 7,178,033 to Garcia ("Garcia").

On page 5 of the Office Action, claims 10-12 and 17-19 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Adobe, Kobata, Yasuda, Garcia, and further in view of U.S. Patent Publication No. 2003/0037253 to Blank *et al.* ("Blank").

On page 6 of the Office Action, claims 44-46 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the modified Adobe, Kobata, Yasuda, and Garcia, and further in view of U.S. Patent No. 7,281,272 to Rubin *et al.* ("Rubin").

Reconsideration and withdrawal of the rejections respectfully are requested in view of the following remarks.

Rejections under 35 U.S.C. § 103

Claims 1, 16, and 40

Applicant submits that the applied references, singly, or in the allegedly obvious combination do not describe each and every element as set forth in independent claims 1, 16, and 40.

Claim 1 recites, *inter alia*: determining whether a copy selection associated with ***designated content of a source file*** being displayed by a first source application has been made. Claim 16 recites, among other features, receiving a copy selection associated with ***designated content of a source file*** being displayed by a first source application. Claim 40 recites *inter alia*, instructions to receive a ***copy selection associated with designated content of a source file*** being displayed by a first source application.

Further, for example, claims 1, 16, and 40 recite, using respective similar language, among other features:

determining whether the source file is a secured file, wherein the secured file includes a header having a file key available to an

authenticated user, and wherein the secured file cannot be accessed without the file key.

Applicant submits that the applied references, in the sections cited by the Examiner, or in other sections, contain no teaching or suggestion of at least the above-noted distinguishing features of claims 1, 16, and 40.

The Examiner states that Acrobat discloses determining whether the source file is a secured file because "requiring a password to access a document makes it secure and the determining step must be performed in order to know whether to ask for a password" (Office Action, page 3). Even assuming *arguendo* that the Examiner's interpretation of the teachings of Acrobat is correct, which Applicant does not acquiesce to, Acrobat fails to teach or suggest "determining whether the source file is a secured file, wherein the secured file includes a header having a file key available to an authenticated user, and wherein the secured file cannot be accessed without the file key," as recited, using respective language, in claims 1, 16, and 40. Acrobat generally describes that "[u]sers can set passwords to prevent others from viewing, editing or printing certain documents . . . during the editing process" and that Adobe Acrobat PDF files can be password protected (Acrobat, pages 28 and 29). However, claims 1, 16, and 40 recite, using respective language, "a copy selection associated with *designated content of a source* file being displayed by a first source application." Applicant submits that the recited methods and computer readable medium for restricting the use of a clipboard application with regards to "designated content of a source file being displayed by a first source application" is not analogous to password protection for an *entire* PDF file, as generally discussed in Acrobat. Even assuming for the sake of argument that Acrobat discloses password protection of an entire PDF file, claims 1, 16, and 40 recite methods and a

computer readable medium, respectively, for restricting use of "*designated content of a source file*" in a clipboard application. Applicant submits that there is a fundamental difference between protecting a whole file with a password and restricting use of *designated content* of a source file in a clipboard application after determining whether the source file is a secured file, as recited, using respective similar language, in claims 1, 16, and 40.

The Examiner acknowledges that Adobe fails to disclose "storing the designated content to the clipboard application prior to determining whether the can be used and requiring a file key obtained by an authenticated user to access the protected file." (Office Action, page 3). Rather, the Examiner relies on the Kobata, Yasuda, and Garcia to cure the acknowledged deficiencies of Adobe. With reference to Kobata, Yasuda, and Garcia, the Examiner alleges, to which Applicant does not acquiesce, that "Kobata teaches preventing cut/paste (i.e., clipboard) operations from being used to copy a protected document into another application . . . Yasuda teaches receiving a copy command, storing the designated content and then determining whether the content can be used . . . and Garcia teaches determining whether a file is a secured file and requiring a file key obtained by an authenticated user to access a file" and that "it would have been obvious to a person of ordinary skill in the art to use the Kobata et al. method of preventing clipboard operations for secure documents to prevent copying from a secured PDF to an unsecured Word [P]erfect document and . . . receiving a copy command, storing the designated content to the clipboard application and then determining whether the content can be used and to require a user to be authenticated to obtain a key to gain access." (Office Action, pages 3-4).

U.S. Patent Application No. 10/159,537 (hereinafter "the Garcia application"), was filed May 31, 2002, while the filing date for the instant application is December 21, 2001. The Garcia application is a Continuation-in-part of U.S. Patent Application No. 10/074,804 (hereinafter "the Garcia CIP"), filed on February 12, 2002. Thus, the instant application was filed before filing dates of the Garcia application and the Garcia CIP. However, the Garcia CIP in turn claims the benefit of U.S. Provisional Patent Application No. 60/339,634 (hereinafter "the Garcia provisional"), which was filed on December 12, 2001.

To qualify as a reference against the instant application under 35 U.S.C. § 102(e), Garcia must have an effective § 102(e) date that predates December 21, 2001. However, the rejection as currently stated by the Office does not establish that Garcia's effective § 102(e) date is December 12, 2001. Under M.P.E.P. § 2136.03(III), Garcia does not automatically relate back to the filing date of the Garcia provisional. Instead, M.P.E.P. § 2136.03(III) requires the Office to show that the Garcia provisional supports the subject matter relied upon in the rejection. The Office has to this point provided no documentary evidence that the disclosure of the Garcia provisional supports the subject matter relied upon in the stated rejections. Without such documentary evidence, Garcia does not qualify as a reference against the instant application under § 102(e).

Accordingly, Applicant respectfully requests that the Examiner remove Garcia from consideration, reconsider and withdraw the rejection of claims 1, 16, and 40, and find these claims allowable.

Moreover, Yasuda does not cure the acknowledged deficiencies of Acrobat. Although Yasuda describes that "the copy suppress processing part 53 determines

whether or not to suppress copying of data” by referring “to the definition file 4 to determine whether or not the clipboard canceller is set to "ON"” (Yasuda, paragraph [0138]), the clipboard canceller disclosed in Yasuda is not analogous to a file key available to an authenticated user as recited, using respective language, in claims 1, 16, and 40. Instead of the above-noted distinguishing features in claims 1, 16, and 40, Yasuda describes that “the system manager sets a clipboard canceller to suppress or allow the copy operation by the user . . . sets "ON" to the clipboard canceller in order to suppress copying of data through a clipboard, or the system manager sets "OFF" to the clipboard canceller in order to allow to copy data through the clipboard . . . saves a setting of the clipboard canceller to the definition file” (Yasuda, paragraphs [0130] and [0131]). Yasuda's clipboard canceller feature is clearly a user-selected (i.e., system manager-selected) binary "ON" "OFF" setting that is saved in a definition file. Yasuda describes that the system manager's selections are made on a per-application basis in order to suppress or allow application menu items and functions (Yasuda, paragraphs [0053]-[0059] and [0066] and FIGs. 1 and 3). Thus, Yasuda's selections are not made on a per-source file basis. Therefore, Yasuda fails to disclose, teach, or suggest determining whether the source file is a secured file, wherein the secured file includes a header having a file key available to an authenticated user, and wherein the secured file cannot be accessed without the file key, as recited, using respective language, in claims 1, 16, and 40.

Yasuda also fails to teach or suggest receiving a copy selection associated with *designated content* of a source file being displayed by a first source application, as recited, using respective similar language, in claims 1, 16, and 40. Yasuda generally

describes a system wherein a computer operating system (OS) "transfers data at a copy-from to the clipboard" after "the user conducts a paste instruction for pasting the data copied" (Yasuda, paragraphs [0132]-[0142]). Yasuda discloses that "when the data transferred into the clipboard is cleared . . . the clipboard canceller in the definition file 4 is set to "ON" . . . the original data at the copy-from cannot be copied (can be prohibited or suppressed)," or "when the clipboard canceller in the definition file 4 is set to "OFF", the original data at the copy-from is copied to the copy-to since the data transferred from the copy-from to the clipboard is not cleared (a normal copy operation via the clipboard is conducted)" (Yasuda, paragraph [0142]). However, Yasuda does not define what is meant by a "copy-from" and nowhere does Yasuda teach or suggest determining whether the source file is a secured file, wherein the secured file includes a header having a file key available to an authenticated user, and wherein the secured file cannot be accessed without the file key, as recited, using respective similar language, in claims 1, 16, and 40.

Further, Yasuda fails to teach or suggest "determining whether a copy selection associated with designated content of a source file being displayed by a first source application has been made" or "receiving a copy selection associated with designated content of a source file being displayed by a first source application," as recited, using respective language, in claims 1 and 16. Instead of instructions to receive a copy selection associated with designated content of a source file being displayed by a first source application, as recited in claim 40, Yasuda discusses performing data transfers by an OS to a clipboard after "the user conducts a copy operation for copying data on the display unit of the user terminal." (Yasuda, paragraph [0134]). Applicant respectfully submits that an OS data transfer from a display of a user terminal is not analogous to

receiving a copy selection associated with designated content of a source file being displayed by a first source application, as recited, using respective language, in claims 16 and 40. Similarly, Yasuda's data transfer operation is not analogous to determining whether a copy selection associated with designated content of a source file being displayed by a first source application has been made, as recited in claim 1.

Yasuda discusses a method to “prohibit copying of data through the clipboard” by suppressing copying of data and replacing “data with empty data in the clipboard” (Yasuda, paragraphs [0132]-[0139] and [0142]). Yasuda’s method suppresses copying of data through a clipboard by suppressing the display of an application menu item (Yasuda, paragraphs [0011], [0012], [0045], and [0143] and FIGs. 1-3). However, nowhere does Yasuda teach or suggest the capability of receiving a copy selection associated with designated content of a source file being displayed by a first source application and determining whether the source file is a secured file, wherein the secured file includes a header having a file key available to an authenticated user, and wherein the secured file cannot be accessed without the file key, as recited, using respective similar language, in claims 1, 16, and 40. In contrast to what is recited in claim 1, 16, and 40, Yasuda prohibits copying of data by clearing content of a clipboard when the notice for copying data is detected and copying “the content (actually no data) in the clipboard” (Yasuda, paragraphs [0016], [0017] and [0048]).

Further, the deficiencies of Acrobat, Garcia, and Yasuda are not cured by Kobata. Kobata is not stated to teach or suggest, nor does Kobata teach or suggest, at least the above noted distinguishing features of claims 1, 16, and 40.

Kobata discusses how “digital content 1805 being viewed with the viewer 1820 (e.g., in a partial window on a computer screen) is prevented from being copied and pasted to another application” (Kobata, paragraph [0222]). However, Kobata does not teach or suggest “determining whether the source file is a secured file, wherein the secured file includes a header having a file key available to an authenticated user, and wherein the secured file cannot be accessed without the file key” as recited in claims 1 and 16, respectively. Instead of “instructions to determine whether the source file is a secured file, wherein the secured file includes a header having a file key available to an authenticated user, and wherein the secured file cannot be accessed without the file key” as recited in claim 40, Kobata discloses that “digital content 1805 being viewed with the viewer 1820 (e.g., in a partial window on a computer screen) may be prevented from being copied and pasted to another application” and that viewer 1820 is limited to “manipulating the digital content once authorization to manipulate the digital content 1805 is determined . . . may be particular to the type of digital content 1805 being controlled,” and “may perform . . . authorization, identification, digital rights modification and decryption procedures as necessary” (Kobata, paragraphs [0214] and [0222]). In contrast to the above-noted distinguishing features recited in claims 1, 16, and 40; Kobata's system stores “digital content” in an “electronic virtual warehouse” or in the memory of a computer device (Kobata, paragraphs [0089] and [0098]).

Therefore, as Garcia has not been proven a reference under 35 U.S.C. § 102(e), and Yasuda and Kobata, alone or in combination, do not teach at least the above-noted distinguishing features of claims 1, 16, and 40, Yasuda, Kobata, and Garcia do not cure the acknowledged deficiencies of Acrobat, and cannot be used to establish a *prima facie*

case of obviousness. Thus, the allegedly obvious combination of Acrobat, Kobata, Yasuda, and Garcia does not teach or suggest each and every limitation of claims 1, 16, and 40.

For at least these reasons, the cited art does not support § 103 rejections of independent claims 1, 16, and 40. Reconsideration and allowance of these claims is respectfully requested.

Claims 2-6

Moreover, claims 2-6 depend upon claim 1, and the comments directed above to claim 1 apply equally to claims 2-6, in addition to the features recited in claims 2-6. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections of claims 2-6 under 35 U.S.C. § 103(a) and pass these claims to allowance.

Claims 10-12 and 17-19

On page 5 of the Office Action, claims 10-12 and 17-19 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Adobe, Kobata, Yasuda, Garcia, and further in view of U.S. Patent Publication No. 2003/0037253 to Blank *et al.* ("Blank"). The Examiner states, which Applicant does not acquiesce to, that "Blank *et al.* teaches replacing information on a clipboard with alternative predetermined content when the file is a secure file." As noted above, the allegedly obvious combination of Acrobat, Kobata, Yasuda, and Garcia does not teach or suggest each and every feature of claims 1 and 16. In particular, the combination of Acrobat, Kobata, Yasuda, and Garcia cannot be used to teach or suggest determining whether the source file is a secured file, wherein the secured file includes a header having a file key available to an authenticated

user, and wherein the secured file cannot be accessed without the file key, as recited, using respective language, in claims 1 and 16. Blank is not used by the Examiner to teach or suggest, nor does Blank teach or suggest, at least the above noted distinguishing features of claims 1 and 16. Therefore, as Garcia has not been proven a reference under 35 U.S.C. § 102(e), and Blank does not teach at least the above-noted distinguishing features of claims 1 and 16, the applied references cannot be used to establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections of claims 10-12 and 17-19 under 35 U.S.C. § 103(a) and pass these claims to allowance.

Claims 20-22

Claims 20-22 depend from independent claim 16, and the comments directed above to claim 16 apply equally to claims 20-22, as well as for their additional respective distinguishing features.

Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections of claims 17-22 under 35 U.S.C. § 103(a) and pass these claims to allowance.

Claims 44-46

On page 6 of the Office Action, claims 44-46 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Acrobat as modified by Kobata, Yasuda, and Garcia, and further in view of U.S. Patent No. 7,281,272 to Rubin *et al.* ("Rubin"). Applicant traverses this rejection for the reasons stated below.

As noted above with regards to claim 1, the allegedly obvious combination of Acrobat, Kobata, Yasuda, and Garcia does not teach or suggest each and every feature of

claim 1. In particular, the combination of Acrobat, Kobata, Yasuda, and Garcia does not teach or suggest determining whether the source file is a secured file, wherein the secured file includes a header having a file key available to an authenticated user, and wherein the secured file cannot be accessed without the file key. Rubin is not used by the Examiner to teach or suggest, nor does Rubin teach or suggest, at least the above noted distinguishing features of claim 1. Rubin discusses “protecting digital images from being copied from a video RAM” (Rubin, col. 3, lines 56-57). However, Rubin fails to teach or suggest at least the above-noted distinguishing features of claim 1. Therefore, as Garcia has not been proven a reference under 35 U.S.C. § 102(e), and Rubin does not teach at least the above-noted distinguishing feature of claim 1, the applied references cannot be used to establish a *prima facie* case of obviousness.

Moreover, claims 44-46 depend from claim 1, and therefore the combination of Acrobat, Kobata, Yasuda, Garcia, and Rubin does not render claims 44-46 obvious for at least the same reasons discussed above with regards to claim 1, and further in view of their own respective features.

Applicant therefore respectfully requests that the rejection of claims 44-46 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

New claims 47-51

New claims 47, 50, and 51 depend from claims 1, 16, and 40, respectively, and include all features therein. Therefore, at least based on their respective dependencies to claims 1, 16, and 40, claims 47, 50, and 51 should be found allowable over the applied references, as well as for their additional distinguishing features. New claims 48 and 49 depend from claim 12 and include all features therein. Therefore, at least based on their

respective dependencies to claim 12, claims 48 and 49 should be found allowable over the applied references, as well as for their additional distinguishing features.

Further, claims 47 and 50 recite, using respective similar language, "preventing subsequent storage of the designated content to a second destination application via the clipboard application in response to determining that the source file is the secured file." New claim 51 recites, "instructions to prevent subsequent usage of the designated content in a second destination application via the clipboard application in response to determining that the source file is a secured file." With reference to previously pending claim 1, the Examiner acknowledges that Adobe fails to disclose "preventing subsequent usage of the designated content in a second destination application via the clipboard application in response to determining that the source file is the secured file" (Office Action, page 3). Applicant agrees and submits that the acknowledged deficiency of Adobe is not cured by the other applied references with respect to new claims 47, 50, and 51. Thus claims 47, 50, and 51 should be found allowable over the applied references for at least this additional reason.

Conclusion

Applicant believes that the present reply is responsive to each of the points raised by the Examiner in the official action. Favorable consideration of the claims and passage to issue of the application at the Examiner's earliest convenience earnestly are solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Glenn J. Perry". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Date: March 19, 2010

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